

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

LOUIE ALEXANDER,

Plaintiff,

-VS-

OPELIKA CITY BOARD OF EDUCATION,

Defendant.

Case No. 3:06-cv-498-WKW

**MOTION FOR SUMMARY JUDGMENT ON BEHALF OF DEFENDANT**

COMES NOW Defendant in the above-styled cause, and pursuant to *Federal Rule of Civil Procedure* 56, moves this Court to grant summary judgment in favor of Defendant in that there is no genuine issue of material fact to be submitted to a jury and judgment should be entered in its favor as a matter of law as to all Plaintiff's claims. In support of this motion, the Defendant relies upon the following:

1. All pleadings filed in this matter.
2. Exhibits 1 through 9, attached hereto<sup>1</sup>

Exhibit 1 - Email between Carter and Bennitt dated 12/6/2007

Exhibit 2 - Deposition of Louie Alexander

Exhibit 3- Letter to Alexander from Dr. Mark Neighbors dated 11/13/2003

Exhibit 4- Affidavit of Dr. Mark Neighbors

<sup>1</sup> Although specific page/line or paragraph cites are made to all factual statements made in the memorandum brief, Defendant relies on the deposition and affidavits referenced in their entirety and reserve the right to further cite to the deposition or affidavits relied upon, if necessary, when replying to any response Plaintiff might file to this motion.

- Exhibit 5 - 10/26/2005 Termination Letter to Alexander from Superintendent J. Phillip Raley
- Exhibit 6 - Affidavit of Stan Cox
- Exhibit 7 - Affidavit of Jan Funderburk
- Exhibit 8 - Affidavit of Joe Wingo
- Exhibit 9 - EEOC Charge of Discrimination

3. Memorandum Brief, submitted contemporaneously herewith.

WHEREFORE PREMISES CONSIDERED, the Defendant requests summary judgment be granted in its favor and all Plaintiff's claims dismissed as a matter of law.

Respectfully submitted this the 10<sup>th</sup> day of December 2007.

OPELIKA CITY BOARD OF  
EDUCATION, Defendant,

By: /S/James R. Seale

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date electronically filed the foregoing *Motion for Summary Judgment on Behalf of Defendant* with the Clerk of the Court for the United States District Court, for the Middle District of Alabama, using the CM/ECF system which will send notification of such filing to: Jeffrey W. Bennitt, Esquire, (bennittlaw@aol.com) this the 10<sup>th</sup> day of December, 2007.

/S/ James R. Seale  
Of Counsel